REMARKS

I. Raleigh United States Patent No. 4,361,274

Claims 1 through 6 are pending in the application. All of the claims are initially rejected.

Claims 1 and 3-6 stand rejected under § 103(a) as unpatentable over "admitted prior art in view of Raleigh et al."

In the present application, it is explained that conventional pool/spa heaters include an integral temperature regulating controller, but that these integral temperature controllers are commonly rendered redundant as used in combination with pool/spa automation controller system, which also has an integrated temperature regulating controller.

As described in the application, conventionally one or two primary temperature limiting control switches are provided having temperature setpoints around 150°F and 135°F. As explained at page 5 of the application, the external temperature regulating controller (which is the user adjustable portion) for the pool/spa heater has a maximum setting "which is conventionally about 104°F" (see page 5, line 9).

As recited in claim 1, "at least one secondary temperature limiting control switch" is provided having "a second temperature setpoint" and "said second temperature setpoint is higher than a maximum temperature setting on said external temperature regulating controller and lower than said first temperature setpoint" of at least one primary temperature limiting control switch.

The Examiner refers to column 6, lines 30-37, of Raleigh as teaching "providing a maximum temperature setpoint of 107°." Respectfully, this does not describe a "temperature setpoint" of a "secondary temperature limiting control switch" as recited in the claim. Rather, this is the maximum temperature which can be set by a person using the temperature control dial.

In the claims, the second temperature setpoint refers to the "secondary temperature limiting control switch." In Raleigh, the 107°F setting is the maximum temperature setting which can be obtained using dials (110, 112) which are clearly part of an external temperature regulating controller for the pool/spa heater.

As explained in the application, conventionally the maximum user adjustable temperature setting is 104°F. Raleigh simply describes a pool/spa heater where the maximum setting is 107°F as opposed to 104°F. Raleigh does not describe a "secondary temperature limiting control switch" in regard to the 107°F temperature setting. Raleigh further does not describe a "secondary temperature limiting control switch" having a "second temperature setpoint" wherein the second temperature setpoint is higher than a maximum temperature setting on the external temperature regulating controller, and lower than a temperature setpoint of a "primary temperature limiting switch."

To render claim 1 obvious, Raleigh would have to disclose a secondary temperature limiting control switch having a temperature setpoint more than 107°F and less than a primary temperature limiting control switch. Raleigh does not describe any such secondary temperature limiting control switch.

Therefore, claims 1 and 3-6 are patentable over Raleigh.

II. Cline United States Patent No. 6,407,469

Claim 2 stands rejected as unpatentable over "the admitted prior art in view of Raleigh et al. as applied to claim 1 above, and further in view of Cline et al."

In the first instance, as explained above, Raleigh does not disclose or teach a secondary temperature limiting control switch having a temperature setpoint higher than the maximum

temperature setting on the external temperature regulating controller (i.e., 107°F in Raleigh) and lower than the temperature setpoint of a primary temperature limiting control switch.

Cline is cited teaching the use of an "on/off switch 350 in order to disconnect the pool heating system from line voltage" (see col. 15, lines 66 to col. 16, line 21).

Respectfully, a power cut-off switch to disconnect a pool heating system from line voltage does not teach a dedicated on/off switch for the temperature control portion of the pool/spa heating system. The on/off switch recited in claim 2 is provided for the convenience of turning off the pool/spa heater portion without having to cut the power to the entire pool/spa heating system.

The on/off switch 350 is described in Cline as an "emergency disconnect switch 350 . . . on a housing 352, which is mounted near the spa, to be accessible in the event of a need to immediately shut down the pool/spa equipment powered by line voltage through system 100." This switch 350 will cut off all power to the pool heating system, not just to the temperature control portion.

Shutting off all power to the system does not teach providing a dedicated on/off switch for only the pool/spa heater portion which is connectable to another part of the pool/spa heating system, i.e., the external temperature regulating controller.

Therefore, claim 2 is believed to be patentable over Cline et al., either alone or in combination with the admitted prior art and Raleigh et al.

Additionally, claim 2 depends from claim 1 and is thus patentable if claim 1 is patentable over the admitted prior art and Raleigh for the reasons set forth in more detail above.

CONCLUSIONS

Claim 1 requires a primary temperature limiting control switch having a first temperature setpoint and a secondary temperature limiting control switch having a second temperature setpoint wherein the second temperature setpoint is higher than the maximum temperature setting on the external temperature regulating controller and lower than the first temperature setpoint.

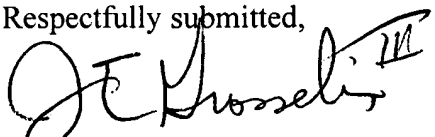
The 107°F maximum temperature setpoint described in Raleigh is the maximum temperature setting on the external temperature regulating controller. It is not a temperature setpoint for a secondary temperature limiting switch. Raleigh does not disclose or teach primary and secondary temperature limiting control switches wherein the temperature setpoint for the second switch is greater than the maximum user adjustable temperature setting on the external regulating controller and lower than the setpoint for the primary temperature limiting control switch.

Cline does not disclose or teach any of the preceding limitations. Cline also does not disclose or teach an on/off switch dedicated to a pool/spa temperature control portion, as recited in claim 2.

Therefore, claims 1 through 6 are patentable over Raleigh and Cline, either alone, or any combination thereof.

Accordingly, reconsideration and allowance of claims 1 through 6 are respectfully requested.

Respectfully submitted,



John E. Grosselin III
Registration No. 38,478
BUCHANAN INGERSOLL, P.C.
One Oxford Centre
301 Grant Street
Pittsburgh, Pennsylvania 15219

Attorney for Applicants

(412) 562-1370